

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: GENERAL MOTORS LLC
IGNITION SWITCH LITIGATION

MDL No. 2543

TRANSFER ORDER

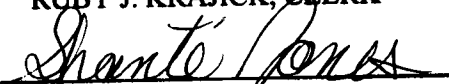
Before the Panel: Pursuant to 28 U.S.C. § 1407(c), defendant General Motors LLC moves to transfer the present action listed on Schedule A (*Phillips*) to MDL No. 2543. Plaintiff opposes the motion.

After considering all argument of counsel, we find this action involves common questions of fact with the actions previously transferred to MDL No. 2543, and that transfer of the action will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The actions encompassing MDL No. 2543 involve factual questions arising from allegations stemming from an alleged defect in certain General Motors vehicles that causes the vehicle's ignition switch to move unintentionally from the 'run' position to the 'accessory' or 'off' position.¹ See *In re: General Motors LLC Ignition Switch Litig.*, __ F. Supp. 2d __, 2014 WL 2616819, at *1 (J.P.M.L. Jun. 9, 2014).

Phillips stems from previous litigation by the same plaintiff against General Motors, arising from a fatal crash involving her husband and their children. Plaintiff claims that General Motors had knowledge of various defects in the subject vehicle that likely caused or contributed to the crash, including the ignition switch defect, and that it purposely withheld that information and implied that plaintiff's husband had intentionally caused the crash to kill himself and their children, causing plaintiff great emotional distress. *Phillips* therefore will focus not on what representations were made to the general public and consumers, but rather, what representations were made to plaintiff and the court during the previous litigation. Like the MDL No. 2543 actions, however, *Phillips* will seek to discover what General Motors knew about the alleged defects and when the defects became known, including the ignition switch defect. Moreover, plaintiff alleges she was forced to accept a much

* Judge Ellen Segal Huvelle took no part in the decision of this matter. Certain Panel members who could be members of the putative classes in this docket have renounced their participation in these classes and have participated in the decision.

¹ While MDL No. 2543 initially included only actions asserting economic damages, it has been expanded to include personal injury and wrongful death actions.

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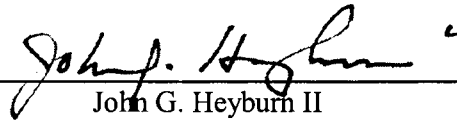
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lower settlement because of the 2009 General Motors bankruptcy and, like many plaintiffs in MDL No. 2543, plaintiff alleges that General Motors fraudulently withheld information concerning defects from the bankruptcy court.

Plaintiff alleges that the ignition switch defect did not cause the crash, but may have contributed to decedents' fatal injuries. Plaintiff's counsel has declined to stipulate that plaintiff will not seek discovery or seek to introduce evidence about the ignition switch defect. Given that such discovery will overlap substantially with that in MDL No. 2543, it is likely that transfer will create efficiencies. While our initial intent was to limit MDL No. 2543 to cases alleging only an ignition switch defect, several actions have been brought with similar general claims that inhibit separation of claims. Given that discovery and pretrial proceedings likely will overlap concerning the ignition switch defect and general allegations that General Motors concealed safety defects, particularly from the bankruptcy court, we are persuaded that transfer of all plaintiff's claims will promote efficiencies in this action and in MDL No. 2543.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, this action is transferred to the Southern District of New York and, with the consent of that court, assigned to the Honorable Jesse M. Furman for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II
Chairman

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Sarah S. Vance

**IN RE: GENERAL MOTORS LLC
IGNITION SWITCH LITIGATION**

MDL No. 2543

SCHEDULE A

Southern District of Texas

PHILLIPS V. GENERAL MOTORS LLC, C.A. No. 3:14-00192